

# *Legislative Performance Audit*

## *Committee*

### **Committee Members:**

*Senator John Harms, Chair*  
*Senator Dan Watermeier, Vice Chair*  
*Speaker Greg Adams*  
*Senator Annette Dubas*  
*Senator Bob Krist*  
*Senator Heath Mello*  
*Senator John Wightman*

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## **Audit Plan**

### **Nebraska Department of Correctional Services: Disciplinary Process, Segregation, Parole-Readiness, and Commitment Acts**

Except as otherwise noted, on or before **September 23, 2014**, the Legislative Audit Office (Office) will submit a draft report of its audit findings and recommendations to the Legislative Performance Audit Committee (Committee) and the Nebraska Department of Correctional Services (DCS).

### **Audit Scope**

In this audit, the Legislative Audit Office will analyze:

#### **1. The DCS Disciplinary Process and Use of Segregation**

The Office will describe the legal requirements governing the disciplinary process, especially as they relate to the punishments of disciplinary segregation and loss of good time. For calendar year 2013, the Office will analyze data on loss of good time and disciplinary segregation as punishments, and segregation as a classification, identifying inmates with mental illness/behavioral health diagnoses. To the extent possible, the Office will draw conclusions about whether DCS is following the legal requirements.

#### **2. Parole-readiness and Civil Commitment Acts**

For calendar year 2013, the Audit Office will assess whether a need for programming prevented inmates from being paroled or added conditions requiring programming to be added to their conditions of parole. This portion of the audit will be completed on or before **November 14, 2014**.

The Office will compare the commitment processes under the Mental Health Commitment Act and the Sex Offender Commitment Act and identify possible policy questions. The Office will also describe the process used by DCS to refer inmates for commitment under these acts and analyze cases of inmates recently reviewed by DCS for commitment.

### **Methodology**

The Office will use a standard qualitative research methodology. We will:

- Review relevant state statutes;
- Review other applicable documents such as legislative histories, Attorney General Opinions, rules and regulations, DCS administrative regulations, and budget information;
- Examine agency records, which include but are not limited to, electronic data, technical reports, annual reports, internal policies and procedures, plans, correspondence, contracts, and related materials; and
- Conduct interviews with DCS, the Board of Parole, and others as necessary.

## **Audit Report Contents**

Under the Legislative Performance Audit Act, the Office must provide its written draft report to the agency. That report will consist of:

- background information concerning the program;
- discussion of audit work related to the scope statement questions; and
- Office findings and recommendations.

After receipt of the report, the agency will have 20 business days to review it and provide written comments to the Office. We expect to provide the draft report to the agency on or before **September 23, 2014**; however, should extenuating circumstances occur, the Committee may extend that date. The deadline for the agency response will be included in the correspondence accompanying the report when it is provided to the agency.

Following receipt of the agency's comments, the Committee will meet to consider the draft report and the comments. The Committee may elect to adopt recommendations at that time or to hold a public hearing on the audit before adopting recommendations. The Committee's final report will include the Office's report, the agency's comments, the Committee's recommendations, and other materials specified in the audit act.

## **Additional Research**

At the request of the LR 424 Special Investigative Committee, and as approved by the Performance Audit Committee, the Office will also gather the following information and provide it to the LR 424 Committee. In order for the information to be of use to the Committee during its study, the Office will provide the information to the Committee as soon as it is available, not in the draft audit report. While this means that the information will not be available to DCS for review as part of the draft audit report, the Office will ensure that DCS has the opportunity to review the information before it is presented to the LR 424 Committee.

- Programs available for inmates at each institution, and
- Use of programming for violent offenders and sex offenders, from 2009 to 2014.

*Originally adopted by the Legislative Performance Audit Committee, July 7, 2014. Amended on October 2, 2014 to allow additional time for the question regarding how the need for programming impacts parole.*